

REMARKS

Claim 1 has been amended to recite a disk tray, rather than a “reading disk,” and page 6, line 18 of the specification has been amended accordingly. This is an idiomatic change and does not involve new matter since element 20 of Fig. 1 clearly depicts what is commonly referred to as a compact disk “tray.”

Reconsideration of the rejection of claims 1-6 under 35 USC §102(e) is respectfully requested on the grounds that U.S. Patent No. 6,658,202 (Battaglia) fails to disclose or suggest a transmission exchange device for compact disks and silicon disks which can:

- a. exchange data between a host computer and a silicon disk or compact disk, and
- b. exchange data directly between either the compact disk and the silicon disk.

The Battaglia patent fails to disclose any sort of **compact disk** reader or tray, and does not disclose direct data exchange between inserted disks or memories of any type.

Instead, Battaglia discloses a data exchange device that can exchange data between either an internal mass storage and either of two removable flash memories, or between a host computer and the flash memories. The Battaglia patent does not disclose a **compact disk** reader, or direct transfer of data from an inserted compact disk to the flash memory (silicon disk). While the Battaglia patent discloses an optional flash memory slot, there is no disclosure of data exchange between the two flash memories.

This is not merely a matter of substituting one type of memory for another. According to the claimed invention, one can insert a compact disk and directly exchange data between the compact disk and the flash memory. No known device smaller than a notebook computer has this capability, which might be useful, for example, in transferring songs recorded on a compact disk to a flash memory. **The data exchange device of Battaglia does not have the capability of directly transferring data from one removable storage element to another.** At best, it can transfer data from one flash memory to the internal data storage device, and then transfer data

from the internal data storage device to the other flash memory. This has the clear disadvantage that it requires an internal data storage device, increasing the cost and decreasing the speed of the data exchange device.

The claimed invention is simpler than the data exchange device of Battaglia because it does not require a mass storage such as a hard drive, and yet has a compact disk to flash memory data transfer function that is not present in the Battaglia data exchange device. In fact, the Battaglia does not have any structure resembling the compact disk tray or “reading disk” into which a compact disk is placed, as recited in claim 1. Claim 1 specifically recites “*an independent use mode, in which by operation of said circuit board, said chip sets and said microprocessing unit, **direct data exchange between said compact disk and said silicon disk is executed.***” The Battaglia patent does not include such a mode.

According to the Examiner, elements 24, 27, and 20 of Battaglia correspond to the claimed “reading disk for compact disks” (now amended to read –disk tray–, which is a more idiomatic term) and silicon disk insertion cassette. However, elements 24 and 27 are flash memory slots, which cannot be compared to a “compact disk.” Furthermore, element 20 is specifically described as being a hard drive. While the hard drive can be fixed or removable from the housing (col. 3, lines 53-65), the disk within the hard drive is not removable from the hard drive, and there is no disclosure that the mass storage device 20 of Battaglia can be a compact disk received in a compact disk tray, as claimed. Instead, the mass storage device is used to facilitate data transfer between the flash memories 24 and 27 and the host computer. Even the fastest read/write compact disk is generally unsuitable to serve as a mass storage of the type disclosed in Battaglia due to the slow writing speed in comparison with magnetic disks or SRAM chips.

The term “compact disk” has a specific meaning in the art, namely a removable optical disk having a specific size (5 1/4 inch) and format. Battaglia does not disclose or suggest the inclusion of such a disk, much less the capability of direct transfer from an inserted compact disk

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to a silicon disk (or flash memory), and therefore the Battaglia patent cannot anticipate any of claims 1-6, and withdrawal of the rejection is respectfully requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'B. E. Urcia', with a long horizontal flourish extending to the right.

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